

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-18 are pending in the present application. Claims 6 and 16 have been amended to address a cosmetic matter of form. No new matter is added. By way of summary, the Official Action presents the following issues: Claim 16 stands objected to as reciting an informality; Claims 1-4, 6, 8-12, 14, and 16-18 stand rejected under 35 U.S.C. § 102 as being unpatentable over Wallace (U.S. Patent 6,473,467); and Claims 5, 7, 13, and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Wallace in view of Baum (U.S. Patent 5,867,478).

OBJECTION TO THE CLAIMS

In response to the objection to Claim 16, Applicants have amended Claim 16 to delete the language identified at paragraph 1 of the Official Action. Accordingly, Applicants respectfully request that the objection to Claim 16 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102/103

The outstanding rejections to the pending claims under 35 U.S.C. § 102 and 103 rely on Wallace as the primary reference. The Wallace reference claims priority to a continuation in part application filed March 22, 2000. As a continuation in part application, there are aspects of the Wallace disclosure which are not entitled to the March 22, 2000 priority date. As such, the availability of this reference as prior art, must be considered in relation to the disclosure of the now abandoned parent application.

Moreover, even assuming the Wallace reference could be properly considered as prior art present to the application, Applicants respectfully direct the Examiner's attention to

Applicants' response filed April 24, 2006 which included an English translation of the Japanese priority document JP 2000-014931. Applicants note that the priority document of the present case has a filing date of January 24, 2000 which clearly predates the earliest Wallace reference. Thus, Applicants respectfully submit that Wallace cannot qualify as prior art against the present application which has a perfected priority predating Wallace.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 102 and 103, which rely on Wallace, be withdrawn.

CONCLUSION

The Examiner believes any additional formal matters need to be addressed in order to place this application in condition for allowance, the Examiner is respectfully requested to contact the undersigned, by telephone, at the Examiner's convenience.

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present application, including Claims 1-18, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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